DOCKET NO.: MSFT-1735/303422.1
Application No.: 10/624,278
Office Action Dated: June 14, 2006

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

## REMARKS

Claims 1-35 are pending in the present application. Claims 1, 7, 13, 19, 20, 25, 26, and 31 have been amended. No new matter has been added.

In the Official Action, dated June 14, 2006, claims 20-25 were rejected under 35 U.S.C. §101 as being directed to non statutory subject matter. Claims 1-12, 20-26, 28, 31, and 33 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,301,579 to Becker ("Becker"). Claims 27, 29, 30, 32, 34, and 35 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Becker. Claims 13-19 were rejected under U.S.C. §103(a) as being unpatentable over Becker in view of U.S. Patent 6,865,573 to Hornick et al. ("Hornick").

As discussed below, the outstanding rejections to the claims are respectfully traversed.

### 35 U.S.C. § 101 Claim Rejections

Claims 20-25 stand rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. Independent claim 20 has been amended to recite a "computer" system. Withdrawal of the rejections of claims 20-25 under 35 U.S.C. § 101 is respectfully requested.

### 35 U.S.C. §§ 102, 103 Claim Rejections

Claims 1-12, 20-26, 28, 31 and 33 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,301,579 to Becker ("Becker"). Claims 27, 29, 30, 32, 34 and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Becker. Claims 13-19 stand rejected under U.S.C. §103(a) as being unpatentable over Becker in view of U.S. Patent 6,865,573 to Hornick et al. ("Hornick"). It is respectfully submitted that the claims are allowable over the art of record for the reasons set forth below.

The claims have been amended to more clearly define the data set training data. In particular, the data set training data comprises at least one set of case data, each set of case data comprising a stored value for at least one variable from among a set of at least one variable. Then, for example with respect to claim 1, a stored value is retrieved for each

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mining structure variable that was determined based on the variables in the data set training data.

Becker fails to teach or suggest the data set training data as claimed, along with the claim language involving the use of the data set training data. Becker's training set of data is based on a data set (column 10, lines 29-30). The Office Action equates the data set of Becker with the claimed data set training data. Such a data set, however, is not training data, but "an extremely large amount of raw data" (column 10, lines 32-33). Unlike the data set training data as claimed, this raw data of Becker is not training data and instead is used in the initial creation of Becker's training set of data.

Thus, there is no data set training data in Becker that comprises at least one set of case data, where each set of case data comprises a stored value for at least one variable from among a set of at least one variable, as claimed. Further, it follows that Becker fails to teach or suggest for each set of case data, retrieving a stored value for each mining structure variable from the data set training data, as claimed.

Each of independent claims 1, 7, 13, 19, 20, 26 and 31 are believed allowable over Becker for at least the same reason. Hornick was cited for reasons relating to the dependent claims, but also fails to cure the above-identified deficiencies of root reference Becker with respect to Applicants' independent claims. Claims 2-6, 8-12, 14-18, 21-25, 27-30, and 32-35 depend from claims 1, 7, 13, 19, 20, 26 and 31, either directly or indirectly, and are believed allowable at least for the same reason.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102, 103 is respectfully requested.
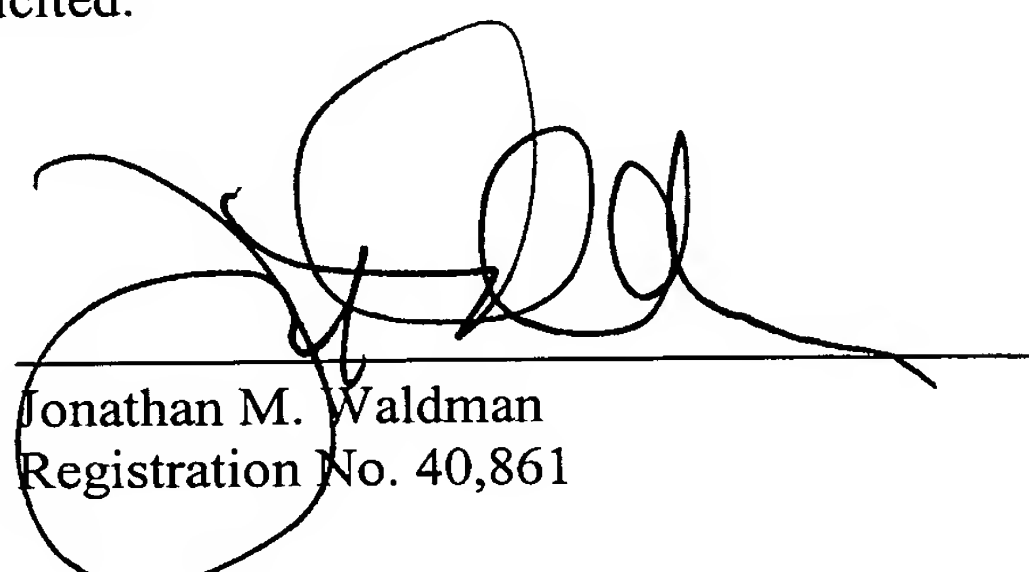
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## *Conclusion*

Applicant believes that the present reply is responsive to each of the points raised by the Examiner in the Office Action, and submits that claims 1-35 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited.

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